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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,457	11/02/2001	J. Michael Weaver	KNA-0012	9579
23413	7590	04/21/2004	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			TRAN, LOUIS B	
			ART UNIT	PAPER NUMBER
			3721	17
DATE MAILED: 04/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,457

Applicant(s)

WEAVER ET AL.

Examiner

Louis B Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) 3, 7, 20 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8-11, 13-19, 21, 23-26 and 28-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment, Paper No. 16, received on 02/05/2004. Applicant's cancellation of claims 12 and 27 in Paper No. 14 is acknowledged.

Election/Restrictions

2. This application contains claims 3, 7, 20, 22 drawn to an invention nonelected with traverse in Paper No. 12. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-5, 9, 11, 13-19, 24, 26, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter (3,057,136) in view of Greenwell (3,996,723).

With respect to claims 1 and 18, Walter teaches a conveyor and shifting assembly a packaging machine comprising a plurality of lane guides 16, 12 said plurality of lane guides being spaced apart to form a plurality of lanes, a moveable conveyor belt 10 that is positioned to deliver the product to each plurality of lanes, said movable conveyor extends under one of said plurality of lanes, a support device 18 located at

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said plurality of lanes, each support device adapted to hold the product and a shifting assembly 30,32 in operable communication with said plurality of lane guides.

Walter does not specifically show a movable conveyor with a shifting assembly adapted to move said movable conveyor from one lane to an adjacent lane.

However, Greenwell teaches the use of a movable conveyor 11 with a shifting assembly adapted to move said movable conveyor from one lane to an adjacent lane as in column 2, lines 43-50 for the purpose of rapidly distributing product for packaging as in column 1, line 30.

Therefore, it would have been obvious to one having ordinary skill in the art to provide Walter with a conveyor shifting assembly in order to distribute product to a plurality of lanes for efficiency.

With respect to claim 2, Walter teaches a packaging machine wherein said support device includes a support strip 18, said support strip being located at each of said plurality of lanes and is located beneath said movable conveyor, said support strip supports the product when said moveable conveyor is moved from beneath one of plurality of lanes.

With respect to claim 4, Walter teaches a machine wherein said plurality of lanes includes an appropriate number of lanes to fill a case.

With respect to claim 5, Walter teaches a machine wherein said plurality of lanes includes a spare lane.

With respect to claim 9, Walter teaches wherein said shifting assembly is adapted to move said lane guides from a first position to a second position, said first

position and second position being spaced apart a distance substantially equal to a width of one of said plurality of lanes.

With respect to claim 11, Walter teaches a sensor mounted adjacent to said plurality of lanes described in column 2, lines 10-25.

With respect to claim 13, Walter teaches a case feed assembly located beneath said plurality of lanes as seen in Figure 1.

With respect to claim 14, Walter teaches wherein said case feed assembly is configured to position a case beneath said lane guides, the case being sized to receive the product delivered into said plurality of lanes as seen in Figure 1.

With respect to claim 15, Walter teaches wherein said case feed assembly includes a feed conveyor, said feed conveyor is adapted to deliver the case beneath said plurality of lanes as in Figure 1.

With respect to claim 16, Walter teaches wherein said feed conveyor is adapted to remove the case from beneath said plurality of lanes as seen in Figure 1.

With respect to claim 17, Walter teaches, a controller described in column 2, lines 30-38.

With respect to claim 19, Walter teaches wherein said support device includes a support strip 18, said support strip being located at each of said plurality of lanes and is located beneath said movable conveyor, said support strip 18 supports the product when moved beneath of lane as seen in Figure 1.

With respect to claim 24, Walter teaches a packaging machine wherein said shifting assembly is adapted to move said lane guides from a first position to a second

position, and said first and second positions being spaced apart a distance substantially equal to a width of one of said plurality of lanes as seen in Figure 1.

With respect to claim 26, Walter teaches a sensor mounted adjacent to said plurality of lanes as in column 2, lines 10-25.

With respect to claim 28, Walter teaches, a case feed assembly located beneath said plurality of lanes as in Figure 1.

With respect to claim 29, Walter teaches wherein said case feed assembly is configured to position the case beneath said appropriate number of lane guides, the case being sized to receive the product delivered into said appropriate number of lanes as in Figure 1.

With respect to claim 30, Walter teaches wherein said case feed assembly includes a feed conveyor, said conveyor is adapted to deliver the case beneath said plurality of lanes as in Figure 1.

With respect to claim 31, Walter teaches wherein said feed conveyor is adapted to remove the case from beneath said plurality of lanes as in Figure 1.

With respect to claim 32, Walter teaches a machine comprising a controller described in column 2, lines 30-38.

5. Claims 6,8, 10, 21, 23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter (3,057,136) in view of Greenwell (3,996,723) in further view of Ebira (5,174,430).

The modified device of Walter discloses the invention substantially as claimed including the above but does not explicitly show a spacing mechanism disposed at said

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second end of said moveable conveyor belt that includes a side belt assembly or a flex guide mounted to the conveyor belt and adapted to direct the product into a plurality of lanes.

However, with respect to claim 6, 8, 21 and 23, Ebira teaches the common use of side belt assemblies on conveyor belts for the purpose of regulating product flow and packaging speed as in column 6, lines 10-20.

Therefore, it would have been obvious to one having ordinary skill in the art to provide the modified device of Walter with a spacing mechanism of a side belt type in order to regulate packaging speed.

With respect to claims 10 and 25, Ebira teaches a flex guide 2 mounted to the conveyor and adapted to direct the product into a plurality of lanes as seen in Figure 2 for the purpose of guiding the product as in column 7, lines 5-25.

Therefore, it would have been obvious to one having ordinary skill in the art to provide the modified device of Walter with flex guides in order to transport and guide product flow.

Conclusion

6. Applicant's remarks have been fully considered but are deemed moot in view of the new grounds of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

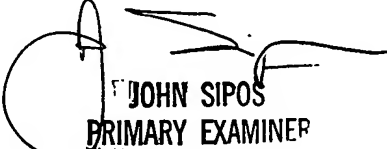
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis B Tran whose telephone number is 703-305-0611. The examiner can normally be reached on 8AM-6PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lbt


JOHN SIPOS
PRIMARY EXAMINER